United Nations A/HRC/32/13/Add.1

General Assembly

Distr.: General
9 June 2016

Original: English

Human Rights Council
Thirty-second session
Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Seychelles

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

GE.16-09472(E)
1609472

Please recycle

Introduction

1. Seychelles views the Universal Periodic Review (UPR) process as a unique and vital mechanism in ensuring the promotion and protection of human rights. As a strong supporter of this process, Seychelles has participated actively in the UPR. Seychelles is privileged to participate in this initiative and welcomes suggestions to enhance its national human rights programmes.

2. The present addendum represents the official response of the Republic of Seychelles to the 150 recommendations from the 60 UN member States during its review on the 25th of January, 2016. The responses to the recommendations are reflective of continuing efforts to promote and protect human rights of all persons, in collaboration with non-governmental and civil society partners.

3. In accordance with paragraphs 27 and 32 of the annex to Human Rights Council resolution 5/1, Seychelles provides information in this addendum regarding its position on each of the recommendations made to it.

4. For each recommendation, Seychelles has taken one of the following positions: accepted, accepted due to full implementation, or noted. Some recommendations may contain more than one position due to varying issues being addressed.

5. For the purposes of clarity, the recommendations are listed in the order in which they appear in the Working Group's Report (A/HRC/32/13).

Responses to recommendations

120.1. Seychelles **notes** the recommendation. In line with its national and constitutional processes, Seychelles will study international human rights instruments and make decisions on whether to become a party on a case by case basis.

120.2. Seychelles **notes** the recommendation and refers to its comments in 120.1.

120.3. Seychelles **notes** the recommendation. The domestic processes in place to ratify international human rights treaties proceed in a timely manner, and there is no identified need to speed-up the existing processes.

120.4. Seychelles **accepts** the recommendation.

120.5. Seychelles **accepts** the recommendation.

120.6. Seychelles **accepts** the recommendation on the basis that it is **already fully implemented**. Seychelles acceded to the Covenant on the 2nd of May, 1992.

120.7. Seychelles **accepts** the recommendation to become a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on the basis that it is already **fully implemented** – Seychelles acceded to the Convention on the 5th of May, 1992.

Seychelles **accepts** the recommendation to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

120.8. Seychelles **accepts** the recommendation.

120.9. Seychelles **accepts** the recommendation.

120.10. Seychelles **accepts** the recommendation.

120.11. Seychelles **accepts** the recommendation.

120.12. Seychelles **accepts** the recommendation on the basis that it is **already fully implemented**. Seychelles acceded to the Convention on the 7th of September, 1990.

120.13. Seychelles **accepts** the recommendation.

120.14. Seychelles **accepts** the recommendation on the basis that it is **already fully implemented**. Seychelles ratified the Convention on the 2nd of October, 2009.

120.15. Seychelles **accepts** the recommendation.

120.16. Seychelles **accepts** the recommendation.

120.17. Seychelles **accepts** the recommendation.

120.18. Seychelles **accepts** the recommendation.

120.19. Seychelles **accepts** the recommendation.

120.20. Seychelles **accepts** the recommendation.

120.21. Seychelles **accepts** the recommendation.

120.22. Seychelles **accepts** the recommendation.

120.23. Seychelles **accepts** the recommendation on the basis that it is **already fully implemented**. Seychelles ratified the treaty on the 2nd of November, 2015.

120.24. Seychelles **notes** the recommendation and will study the Convention in line with its domestic processes.

120.25. Seychelles **accepts** the recommendation.

120.26. Seychelles **accepts** the recommendation.

120.27. Seychelles **accepts** the recommendation.

120.28. Seychelles **accepts** the recommendation.

120.29. Seychelles **accepts** the recommendation.

120.30. Seychelles **accepts** the recommendation.

120.31. Seychelles **accepts** the recommendation.

120.32. Seychelles **accepts** the recommendation.

120.33. Seychelles **accepts** the recommendation.

120.34. Seychelles **accepts** the recommendation.

120.35. Seychelles **notes** the recommendation. Presently, a child between the ages of 7 to 12 can only be held criminally responsible if he or she demonstrates to a court "the capacity to know that [he or she] ought not to do the act or make the omission". No child under 12 has been convicted under this provision for at least 40 years. It is also noted that there is no universally accepted minimum age of criminality.

120.36. Seychelles **partly accepts** the recommendation in so far as the reform of the juvenile justice system and safeguarding the integrity of minors who are held in detention centres.

Seychelles **notes** the recommendation to raise the minimum age of criminal responsibility, and refers to its comments under 120.35.

120.37. Seychelles **notes** the recommendation, and refers to its comments under 120.35.

120.38. Seychelles **notes** the recommendation, and refers to its comments under 120.35.

120 39. Seychelles **accepts** the recommendation.

120.40. Seychelles **accepts** the recommendation.

120.41. Seychelles **accepts** the recommendation.

120.42. Seychelles **accepts** the recommendation.

The 'Education Act, 2004' is being amended to explicitly prohibit corporal punishment in schools. Consideration is also being given to amend the 'Children Act, 1982' for this purpose. It is to be noted however that cases of corporal punishment are already being prosecuted under assault provisions of the 'Penal Code, 1955'.

120.43. Seychelles **accepts** the recommendation and refers to its comments under 120.42.

120.44. Seychelles **accepts** the recommendation.

120.45. Seychelles **accepts** the recommendation.

120.46. Seychelles **accepts** the recommendation.

120.47. Seychelles **accepts** the recommendation. Following a proposal made by the Government, in May 2016 the National Assembly approved the repeal of paragraphs (a) and (c) of Section 151 of the 'Penal Code, 1955' which can criminalize acts of a homosexual nature, as well as potentially give rise to discrimination and homophobic sentiments.

120.48. Seychelles **accepts** the recommendation and refers to its comments under 120.47.

120.49. Seychelles **accepts** the recommendation and refers to its comments under 120.47.

120.50. Seychelles **accepts** the recommendation and refers to its comments under 120.47.

120.51. Seychelles **accepts** the recommendation and refers to its comments under 120.47.

120.52. Seychelles **accepts** the recommendation and refers to its comments under 120.47.

120.53. Seychelles **accepts** the recommendation and refers to its comments under 120.47.

120.54. Seychelles **accepts** the recommendation.

120.55. Seychelles **accepts due to full implementation** the recommendation to amend the Public Order Act to allow for freedom of assembly.

The 'Public Order Act, 1959' was replaced after it was identified by the Electoral Reform Process as one of the legislations in need of review and revision in 2011. The subsequent enactment of the revised the 'Public Order Act, 2013' met with significant criticism, noting that the Act was not fully in line with the recommendations provided by the Electoral Reform Process. In July 2015, the Constitutional Court of Seychelles found 18 sections and subsections of the Act to be unconstitutional, and the Cabinet of Ministers made a recommendation to the National Assembly to adopt a new Public Assembly Bill. The case was a demonstration of Seychelles' commitment to good governance and the rule of law, as well as the independence of the Judiciary and the effective roles of accountability being practiced by the various arms of Government.

Seychelles **accepts** the recommendation regarding libel laws.

120.56. Seychelles **accepts** the recommendation.

120.57. Seychelles **accepts** the recommendation.

120.58. Seychelles **accepts** the recommendation.

120.59. Seychelles **accepts** the recommendation.

120.60. Seychelles **accepts** the recommendation.

Seychelles is committed to ensuring that its National Human Rights Institutions are fully independent, adequately resourced, and in line with the Paris Principles.

In this view, Seychelles has had consultations with a wide range of stakeholders, and is in the process of reviewing and revising the offices of the National Human Rights Commission and the Ombudsman.

120.61. Seychelles **accepts** the recommendation and refers to its comments under 120.60.

120.62. Seychelles **accepts** the recommendation and refers to its comments under 120.60.

120.63. Seychelles **accepts** the recommendation and refers to its comments under 120.60.

120.64. Seychelles **accepts** the recommendation and refers to its comments under 120.60.

120.65. Seychelles **accepts** the recommendation and refers to its comments under 120.60.

120.66. Seychelles **accepts** the recommendation and refers to its comments under 120.60.

120.67. Seychelles **accepts** the recommendation and refers to its comments under 120.60.

120.68. Seychelles **accepts** the recommendation and refers to its comments under 120.60.

120.69. Seychelles **accepts** the recommendation and refers to its comments under 120.60.

120.70. Seychelles **accepts** the recommendation and refers to its comments under 120.60.

120.71. Seychelles **accepts** the recommendation and refers to its comments under 120.60.

120.72. Seychelles **accepts** the recommendation.

120.73. Seychelles **accepts** the recommendation.

120.74. Seychelles **accepts** the recommendation.

120.75. Seychelles **accepts** the recommendation.

120.76. Seychelles **accepts** the recommendation.

120.77. Seychelles **accepts** the recommendation.

120.78. Seychelles **accepts** the recommendation.

120.79. Seychelles **accepts** the recommendation.

120.80. Seychelles **accepts** the recommendation on the basis that it is **already fully implemented**. Various mechanisms are already in place to coordinate stakeholders in charge of children rights in view of optimizing child protection and well-being. The emphasis is presently on monitoring and evaluating pre-existing mechanisms in order to strengthen areas in need of improvement.

120.81. Seychelles **accepts** the recommendation.

120.82. Seychelles **accepts** the recommendation.

The 'Misuse of Drugs Act, 2016' was enacted in April 2016, to provide for effective measures against abuse and diversion of controlled drugs and precursors; facilitate the investigation and prosecution of offences involving controlled drugs, in particular drug trafficking; promote the treatment, education, rehabilitation, recovery and social reintegration of drug users and drug dependant persons; ensure the availability of controlled drugs for legitimate medical and scientific use; and to facilitate Seychelles' international commitments.

120.83. Seychelles **accepts** the recommendation.

120.84. Seychelles **accepts** the recommendation.

120.85. Seychelles **accepts** the recommendation.

120.86. Seychelles **accepts** the recommendation.

120.87. Seychelles **accepts** the recommendation.

120.88. Seychelles **accepts** the recommendation.

120.89. Seychelles **accepts** the recommendation.

120.90. Seychelles **accepts** the recommendation.

120.91. Seychelles **accepts** the recommendation.

120.92. Seychelles **accepts** the recommendation.

120.93. Seychelles **accepts** the recommendation.

120.94. Seychelles **accepts** the recommendation.

120.95. Seychelles **accepts** the recommendation.

120.96. Seychelles **accepts** the recommendation.

120.97. Seychelles **accepts** the recommendation.

120.98. Seychelles **accepts** the recommendation.

120.99. Seychelles **accepts** the recommendation.

120.100. Seychelles **accepts** the recommendation.

120.101. Seychelles **accepts** the recommendation.

120.102. Seychelles **accepts** the recommendation.

120.103. Seychelles **accepts** the recommendation.

120.104. Seychelles **accepts** the recommendation.

120.105. Seychelles **accepts** the recommendation.

120.106. Seychelles **accepts** the recommendation.

120.107. Seychelles **accepts** the recommendation.

120.108. Seychelles **accepts** the recommendation.

120.109. Seychelles **accepts** the recommendation.

120.110. Seychelles **accepts** the recommendation.

120.111. Seychelles **accepts** the recommendation.

120.112. Seychelles **accepts** the recommendation.

120.113. Seychelles **accepts** the recommendation.

120.114. Seychelles **accepts** the recommendation, and refers to its comments under 120.82.

120.115. Seychelles **accepts** the recommendation.

120.116. Seychelles **accepts** the recommendation.

The legal and administrative mechanisms are already in place to effectively respond to and investigate allegations of election irregularities. This is reflected by the fact that a case regarding election irregularities was conducted following all due processes under the Constitutional Court, which was subsequently dismissed on the 31st of May 2016.

120.117. Seychelles **accepts** the recommendation.

120.118. Seychelles **accepts** the recommendation.

The 'Anti-Corruption Act' was enacted in April 2016, establishing the Anti-Corruption Commission, which will be tasked with receiving complaints and also investigating, detecting and preventing practices linked to corruption in both the public and private sector.

120.119. Seychelles **accepts** the recommendation.

120.120. Seychelles **accepts** the recommendation.

120.121. Seychelles **accepts** the recommendation.

120.122. Seychelles **accepts** the recommendation on the basis that it has been **fully implemented**.

The President of the Republic of Seychelles directly appoints the Chairperson of the Board of the Seychelles Media Commission, who is also the Chief Executive Officer of the Commission, and two out of the seven members of the Commission. The five other members are appointed from candidates proposed by the National Assembly, the Judiciary, the Department of Information, the Civil Engagement Platform for Seychelles (CEPS) and the Seychelles Media Association or such other body that represent journalists and media professionals.

Furthermore, Article 3(3) of the 'Seychelles Media Commission Act, 2010' provides for the Commission to be independent of any direction or control of any person or authority in the performance of its functions.

120.123. Seychelles **accepts** the recommendation.

120.124. Seychelles **accepts** the recommendation.

120.125. Seychelles **accepts** the recommendation.

120.126. Seychelles **accepts** the recommendation.

120.127. Seychelles **accepts** the recommendation.

120.128. Seychelles **accepts** the recommendation.

120.129. Seychelles **accepts** the recommendation.

120.130. Seychelles **accepts** the recommendation.

120.131. Seychelles **accepts** the recommendation.

120.132. Seychelles **accepts** the recommendation.

120.133. Seychelles **accepts** the recommendation.

120.134. Seychelles **accepts** the recommendation.

120.135. Seychelles **accepts** the recommendation.

120.136. Seychelles **accepts** the recommendation.

120.137. Seychelles **accepts** the recommendation.

120.138. Seychelles **accepts** the recommendation.

120.139. Seychelles **accepts** the recommendation.

120.140. Seychelles **accepts** the recommendation.

120.141. Seychelles **accepts** the recommendation.

120.142. Seychelles **accepts** the recommendation.

120.143. Seychelles **accepts** the recommendation.

120.144. Seychelles **accepts** the recommendation.

120.145. Seychelles **accepts** the recommendation.

120.146. Seychelles **accepts** the recommendation.

120.147. Seychelles **accepts** the recommendation.

120.148. Seychelles **accepts** the recommendation.

120.149. Seychelles **accepts** the recommendation.

120.150. Seychelles **accepts** the recommendation.

The challenge of climate change and its destructive impact upon our islands – as well as the entire global community – is a key priority for the Government of Seychelles.

Seychelles will steadfastly continue to raise awareness on this issue and pursue effective climate change policies both on the national and international stages.